

UNITED STATES DISTRICT COURT FOR NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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KENNETH T. RICHEY,

Petitioner,

v.

BETTY MITCHELL,

Warden,

Respondent.  
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)  
)  
) Case No. 1:98 CV 1418  
)  
) Judge Patricia A. Gaughan  
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**PETITIONER'S MOTION FOR TRANSFER**

The Petitioner, Kenneth T. Richey, comes before this honorable Court and respectfully requests that the Court order that Richey be transferred to the Putnam County Jail. On June 3, 2005, this Court issued an Order giving the State of Ohio ninety (90) days to release or retry Richey, based upon the Sixth Circuit's January 25, 2005 determination that his incarceration pursuant to his 1986 convictions was unconstitutional. However, the State maintains that the terms of Richey's confinement will not change during that ninety (90) day time period, and that he will therefore continue to be housed on Ohio's "death row." Accordingly, as set forth in the attached Memorandum in Support of Petitioner's Motion for Transfer, Richey respectfully requests that this Court order that his continued detention be at the Putnam County Jail, pending the decision of the state to release or retry him.

DENIED PENDING THE OUTCOME OF THE  
SUPREME COURT'S DECISION WHETHER TO  
GRANT CERT.

/s/ Patricia A. Gaughan  
8/24/05

Respectfully submitted,

KENNETH T. RICHEY

By his attorneys,

/s/ Paul E. Nemser

Paul E. Nemser (admitted *pro hac vice*)

Kenneth J. Parsigian (admitted *pro hac vice*)

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DATED: June 28, 2005

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